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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,873	12/03/2004	Klaus Kespohl	915-006.064	6807
4955	7590	10/19/2005	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			LY, NGHI H	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/516,873

Applicant(s)

KESPOHL ET AL.

Examiner

Nghi H. Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-17 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☒ Claim(s) 18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/03/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 6, 8, 9, 11, 12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Makela et al (US 6,047,196).

Regarding claim 1, Makela teaches a mobile communication device (see fig.1), comprising: a set of keys organized as a keyboard (see fig.1), the set of keys each having a first assigned function for entering alphanumeric text (see fig.1, item 3), wherein at least a subset of keys included in the set of keys is arranged in a pre-determined configuration (see fig.1, item 2), keys of the subset each having a second assigned function for entering alphanumeric text (see fig.1, item 2), and a plurality of applications executable on the mobile communication device; characterized in that a portion of the keys comprises a first selection of keys of the subset of keys and a second selection of keys of the set of keys (see fig.1, items 2 and 3), wherein the first selection of keys is provided for entering numbers and telephone number related symbols in accordance with the second assigned function (see fig.1, item 2), wherein the second selection of keys is provided for entering control letters in accordance with the first assigned function (see fig1, item 3), the control letters having a control function in relationship with the entering of telephone numbers (fig.1, see "func"

key), at least one of the plurality of applications is adapted to switch a keyboard operation mode into a first mode and into a second mode (see column 4, line 50 to column 5, line 3), the set of keys and the at least one subset of keys included in the set of keys are operable with the keyboard operation mode being in the first mode (see title and column 4, line 50 to column 5, line 3), and the portion of keys is operable with the keyboard operation mode being in the second mode (see title and column 4, line 50 to column 5, line 3).

Regarding claim 2, Makela further teaches a mode selecting key (fig.1, see "func" key) for switching an input mode into a first mode and into a second mode, the mode selecting key being operable to change modes in at least one of the plurality of applications, and characterized in that in case the keyboard operation mode is in the first mode: the set of keys each having a first assigned function is operable with the input mode being in the first mode; and the subset of keys each having a second assigned function is operable with the input mode being in the second mode (see title and column 4, line 50 to column 5, line 3).

Regarding claim 3, Makela further teaches a keyboard controller adapted to receive signals from the keyboard and signals from the mode selecting key, and adapted to generate commands in accordance with the received signals and able to transmit the commands to at least one of the plurality of applications; a first set of commands is provided operable with the input mode being in the first mode and the keyboard operation mode being in the first mode, the first set of commands representing the first assigned function of the set of keys; and a second set of

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commands is provided operable with the input mode being in the second mode and the keyboard operation mode being in the first mode, the second set of commands representing the first assigned function of the set of keys (see title and column 4, line 50 to column 5, line 3).

Regarding claim 5, Makela further teaches the second assigned function of the subset of keys comprises at least numbers 0 to 9 and symbols "+" "#" and "*" for entering alphanumeric characters (see fig.1).

Regarding claim 6, Makela further teaches the second assigned function of the first selection of keys comprises at least numbers 0 to 9 and symbols "+" "#" and "*" for entering a telephone number for entering telephone numbers (see fig.1, item 2).

Regarding claim 8, Makela further teaches the keyboard is substantially arranged as a QWERTY keyboard (see fig.1, item 3, first row).

Regarding claim 9, Makela further teaches the keyboard comprising the plurality of keys is arranged in stacked rows (see fig.1).

Regarding claim 11, Makela further teaches the keyboard comprises a row including two mode selecting keys arranged symmetrically (fig.1, see "send" and "end", or "func" and "clear").

Regarding claim 12, Makela further teaches at least a variety of keys of the portion of keys are shaped differently from remaining keys of the keyboard (see fig.1, items 2 and 3).

Regarding claim 14, Makela further teaches a keyboard detector (the teaching of Makela inherently teaches "a keyboard detector"), wherein the keyboard is detachably

connected to the mobile communication device and has a keyboard identification component (see fig.5, the keypad can be detached), and the keyboard identification component is adapted to at least the first assigned function and second assigned function of the keys of the keyboard (see fig.1, keypad with identification).

Regarding claim 15, Makela further teaches the detachably connected keyboard is included in a cover being at least a part of a housing of the mobile communication device (see fig.5), wherein the cover is detachably connected to the mobile communication device (see fig.5, the keypad can be detached).

Regarding claim 16, Makela further teaches the keyboard identification component is a resistant having a certain pre-determined characteristic (see fig.1, key qwerty can not be used for dialing).

Regarding claim 17, Makela further teaches the detachably connected keyboard is adapted to right handed use or left handed use (see fig.1, keypad can be used for right or left handed).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makela et al (US 6,047,196) in view of Bentley et al (US 5,727,047).

Regarding claim 7, Makela teaches claim 1. Makela does not specifically disclose the control letters comprise a letter "P" for entering a pause control function and a letter "W" for entering a wait control function, wherein the control functions are entered in combination with telephone numbers.

Bentley teaches the control letters comprise a letter "P" for entering a pause control function and a letter "W" for entering a wait control function, wherein the control functions are entered in combination with telephone numbers (see column 8, lines 37-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Bentley into the system of Makela in order to provide one-touch dialing (see Bentley, see column 8, lines 42-44).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makela et al (US 6,047,196) in view of Cleveland, Jr. (US 5,476,332).

Regarding claim 10, Makela teaches claim 1. Makela does not specifically disclose the keyboard comprises a row including at least two space keys and two shift keys arranged symmetrically.

Cleveland teaches the keyboard comprises a row including at least two space keys and two shift keys arranged symmetrically (see fig.2, key 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cleveland into the system of Makela in order to select secondary character on the same character key.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makela et al (US 6,047,196) in view of Sood et al (US 6,377,811).

Regarding claim 13, Makela teaches claim 1. Makela does not specifically disclose at least a variety of keys of the portion of keys are colored differently from remaining keys of the keyboard.

Sood teaches at least a variety of keys of the portion of keys are colored differently from remaining keys of the keyboard (see column 5, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Sood into the system of Makela so that the user can recognize the key more easily.

Allowable Subject Matter

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, Makela teaches a mobile communication device of claim 1. Makela fails to teach characterized in that in case the keyboard operation mode is in the second mode: a third set of commands is provided, the third set of commands representing the second assigned functions of the first selection of keys and representing the first assigned functions of the second selection of keys.

9. Claim 18 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 18, Makela teaches method for controlling an operation of a keyboard of a mobile communication device (see title), characterized by: receiving a keyboard operation mode signal from at least one of a plurality of applications executable on the mobile communication device (see fig.1, see 'func' key), switching a keyboard operation mode into a first mode and into a second mode in accordance with the received keyboard operation mode signal; in case the keyboard operation mode is in the first mode: receiving an input mode signal (see fig.1, see 'func' key), switching an input mode into a first mode and into a second mode in accordance with the received

input mode signal; receiving an input signal (see column 4, line 50 to column 5, line 3), generating a command from the received input signal in combination with the input mode, the command being one of a plurality of commands including a first set of commands generated in the input mode being in the first mode and a second set of commands generated in the input mode being in the second mode (see column 4, line 50 to column 5, line 3), the first set of commands representing first assigned functions of a set of keys of the keyboard (see fig.1, item 2), the second set of commands representing second assigned functions of a subset of keys of the keyboard (see fig.1, item3), and transmitting the generated command to at least one of the plurality of applications (see column 4, line 50 to column 5, line 3). Makela fails to teach in case the keyboard operation mode is in the second mode: receiving an input signal, generating a command from the received input signal, the command being one out of a third set of commands, the third set of commands representing the second assigned functions of a first selection of keys of the subset of keys and the first assigned functions of a second selection of keys of the set of keys; and transmitting the generated command to at least one of the plurality of applications.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lee (US 6,622,025) teaches method and apparatus for entering numbers.

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b. Kubo (US 6,728,558) teaches portable telephone apparatus and control method thereof.

c. Uusimaki (US 6,571,086) teaches wireless communication device and a control means.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

NHL
10/14/05

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